

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ALVION PROPERTIES, INC.,	)	
SHIRLEY K. MEDLEY and	)	
HAROLD M. REYNOLDS,	)	
	)	
Plaintiffs	)	
	)	Case No. 3:08-00866
v.	)	Judge Trauger/Bryant
	)	Jury Demand
BERND H. WEBER, et al.,	)	
	)	
Defendants	)	

TO: THE HONORABLE ALETA A. TRAUGER

REPORT AND RECOMMENDATION

Defendants Bernd H. Weber and Claude J. Chauveau have filed their Motion for Judgment on Pleadings (Docket Entry No. 197). This motion is based upon the Court's previous grant of leave to withdraw to prior counsel for plaintiffs (Docket Entry No. 193). Having filed the instant motion shortly after plaintiffs' previous counsel withdrew, these defendants seek an order requiring Alvion Properties, Inc., the corporate plaintiff, to employ new counsel within 10 days and, if it fails to do so, to dismiss all claims of Alvion Properties, Inc. in this case. Although defendants' motion does not explicitly state, it appears that defendants rely as grounds for this motion upon Local Rule 83.01(d)(3), which requires that all corporations must be represented by an attorney.

It appears from the record (Docket Entry No. 269) that plaintiff Alvion Properties, Inc., has secured new counsel.

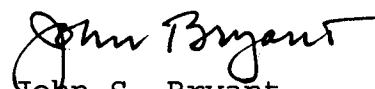
Accordingly, the undersigned Magistrate Judge finds that, to the extent that defendants' motion seeks dismissal of Alvion Properties, Inc. for its failure to be represented by an attorney, defendants' motion should be denied as moot.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge recommends that defendants' motion for judgment on pleadings (Docket Entry No. 197), to the extent it seeks dismissal of claims of plaintiff Alvion Properties, Inc. for its failure to be represented by an attorney, be DENIED as moot.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has 14 days, from receipt of this Report and Recommendation, in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have 14 days, from receipt of any objections filed in this Report, in which to file any responses to said objections. Failure to file specific objections within 14 days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

It is so ORDERED.

  
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/s/ John S. Bryant  
JOHN S. BRYANT  
United States Magistrate Judge